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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,006	07/12/2005	Kenji Asakura	P28163	8733

52123 7590 03/12/2007
GREENBLUM & BERNSTEIN, P.L.C.
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EXAMINER	
GRAINGER, QUANA MASHELL	
ART UNIT	PAPER NUMBER
2852	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/542,006	ASAKURA ET AL.	
	Examiner	Art Unit	
	Quana M. Grainger	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-10 and 12* is/are rejected.

7)☒ Claim(s) *3,4,11 and 13-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Title

1. The new title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi et al. (2003/0086736A1).

Sekiguchi et al. teaches an image heating apparatus comprising a rotatable ring-shaped heat-producing medium that produces heat through action of magnetic flux; a magnetic flux generation section 1 that is located in proximity to a first peripheral surface of said heat-producing medium and generates magnetic flux that acts upon said heat-producing medium; a magnetic flux adjustment section 6 that is located rotatably in proximity to a second peripheral surface of said heat-producing medium, and has a paper passage area magnetic flux adjustment medium that adjusts magnetic flux acting upon a paper passage area of said heat-producing

medium, and a paper non-passage area magnetic flux adjustment medium, with a different rotational phase from said paper passage area magnetic flux adjustment medium, that adjusts magnetic flux acting upon a paper non-passage area of said heat-producing medium; and a synchronization control section that controls magnetic flux generation timing of said magnetic flux generation section in synchronization with rotational phases of magnetic flux adjustment units of said magnetic flux adjustment section [0060-0073]. The rotational speed of said magnetic flux adjustment section is different from rotational speed of said heated heat-producing medium [00081-0082]. The downstream end of an area of said magnetic flux adjustment section opposite said magnetic flux generation section rotates at a speed greater than or equal to movement up to an upstream end on an opposite side while an arbitrary part of said heat-producing medium passes through an area opposite said magnetic flux generation section (figure 6). The image magnetic flux adjustment section has a configuration in which said paper passage area magnetic flux adjustment medium and said paper non-passage area magnetic flux adjustment medium are provided on a peripheral surface of a cylindrical body 6. The image heating apparatus wherein a plurality of said paper non-passage area magnetic flux adjustment media are located alternately in a circumferential direction of a center part and both end parts of a surface of said opposed core (figure 6). The image heating apparatus wherein an upstream end of said paper non-passage area magnetic flux adjustment medium is positioned in a center part of said opposed core and downstream ends of said paper non-passage area magnetic flux adjustment medium are positioned at both ends of said opposed core. The image heating apparatus wherein a plurality of said paper non-passage area magnetic flux adjustment media are located alternately in a circumferential direction of a surface of said opposed core 6.

Sekiguchi et al. teaches an image heating apparatus comprising: a rotatable ring-shaped heat-producing medium that produces heat through action of magnetic flux; a magnetic flux generation section that is located in proximity to a first peripheral surface of said heat-producing medium and generates magnetic flux that acts upon said heat-producing medium; a temperature control section that controls said magnetic flux generation section and maintains a temperature of a surface of said heating medium in contact with a heated medium at a predetermined temperature; and a calorific value distribution adjustment section that selectively adjusts magnetic flux acting upon a predetermined area of said heat-producing medium and uniformizes calorific value distribution of said heat-producing medium [0060-0082].

Allowable Subject Matter

4. Claims 3-4, 11, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Quana M Grainger
Primary Examiner
Art Unit 2852

QG